AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, comprising the computer-implemented steps of:

receiving a first group of one or more packets of a data flow ~~from~~ at a router in the network;

marking the first group of one or more packets of said data flow with a first behavioral treatment value, wherein the first behavioral treatment value directs devices within the network to treat the first group of one or more packets with a first quality of service treatment;

transmitting the first group of one or more packets of said data flow in the network;

determining an achieved flow bandwidth for the data flow based on data traffic within the network;

determining packet flow characteristics of the first group of one or more packets of said data flow;

determining a second behavioral treatment value based on the achieved flow bandwidth for the data flow within the network and on the packet flow characteristics of the first group of one or more packets of the data flow;

receiving a second group of one or more packets of said data flow ~~from~~ at the router in the network;

marking the second group of one or more packets of said data flow with said second behavioral treatment value, wherein the second behavioral treatment value directs devices within the network to treat the second group of one or more packets with a second quality of service treatment that is different than the first quality of service treatment; ~~and~~

transmitting the second group of one or more packets of said data flow in the network; and

repeating the preceding steps for successive groups of one or more packets of said data flow, wherein each of the successive groups is dynamically marked with a behavioral treatment value that is determined based at least in part on a successively determined achieved flow bandwidth for the data flow.

2. (Original) The method as recited in Claim 1, wherein:

the step of marking a first group of one or more packets includes the step of storing a first differentiated services codepoint (DSCP) value in each header of the first group of one or more packets of a data flow;

the step of determining a second behavioral treatment value includes the step of determining a second DSCP value; and

the step of marking a second group of one or more packets includes the step of storing the second DSCP value in each header of the second group of one or more packets of a data flow.

3. (Currently Amended) The method as recited in Claim 1, ~~further comprising the steps of~~ wherein:

~~determining packet flow characteristics of the first group of one or more packets of a data flow; and~~

determining the second behavioral treatment value is further based on the available bandwidth within the network ~~and the packet flow characteristics of the first group of one or more packets of a data flow~~.

4. (Original) The method as recited in Claim 1, further comprising the steps of:

establishing a Quality of Service (QoS) policy for applying a per-hop-behavior treatment for forwarding packets within a flow in said network; and

generating the first behavioral treatment value based on the established QoS policy.

5. (Currently Amended) A computer-readable medium carrying one or more sequences of instructions for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

receiving a first group of one or more packets of a data flow ~~from~~ at a router in the network;

marking the first group of one or more packets of said data flow with a first behavioral treatment value, wherein the first behavioral treatment value directs devices within the network to treat the first group of one or more packets with a first quality of service treatment;

transmitting the first group of one or more packets of said data flow in the network;

determining an achieved flow bandwidth for the data flow based on data traffic within the network;

determining packet flow characteristics of the first group of one or more packets of said data flow;

determining a second behavioral treatment value based on the achieved flow bandwidth for the data flow within the network and on the packet flow characteristics of the first group of one or more packets of the data flow;

receiving a second group of one or more packets of said data flow ~~from~~ at the router in the network;

marking the second group of one or more packets of said data flow with said second behavioral treatment value, wherein the second behavioral treatment value directs devices within the network to treat the second group of one or more packets with a second quality of service treatment that is different than the first quality of service treatment; ~~and~~

transmitting the second group of one or more packets of said data flow in the network; and

repeating the preceding steps for successive groups of one or more packets of said data flow, wherein each of the successive groups is dynamically marked with a behavioral treatment value that is determined based at least in part on a successively determined achieved flow bandwidth for the data flow.

6. (Original) The computer-readable medium as recited in Claim 5, wherein:

the step of marking a first group of one or more packets includes the step of storing a first differentiated services codepoint (DSCP) value in each header of the first group of one or more packets of a data flow;

the step of determining a second behavioral treatment value includes the step of determining a second DSCP value; and

the step of marking a second group of one or more packets includes the step of storing the second DSCP value in each header of the second group of one or more packets of a data flow.

7. (Currently Amended) The computer-readable medium as recited in Claim 5, ~~further comprising instructions for performing the steps of~~ wherein:

~~determining packet flow characteristics of the first group of one or more packets of a data flow; and~~

determining the second behavioral treatment value is further based on the available bandwidth within the network ~~and the packet flow characteristics of the first group of one or more packets of a data flow~~.

8. (Original) The computer-readable medium as recited in Claim 5, further comprising instructions for performing the steps of:

establishing a Quality of Service (QoS) policy for applying a per-hop-behavior treatment for forwarding packets within a flow in said network; and

generating the first behavioral treatment value based on the established QoS policy.

9. (Currently Amended) A computer apparatus comprising:

a processor; and

a memory coupled to the processor, the memory containing one or more sequences of instructions for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, wherein execution of the one or more sequences of instructions by the processor causes the processor to perform the steps of:

receiving a first group of one or more packets of a data flow from the network;

marking the first group of one or more packets of said data flow with a first behavioral treatment value, wherein the first behavioral treatment value directs devices within the network to treat the first group of one or more packets with a first quality of service treatment;

transmitting the first group of one or more packets of said data flow in the network;

determining an achieved flow bandwidth for the data flow based on data traffic within the network;

<u>determining packet flow characteristics of the first group of one or more packets of said data flow;</u>

determining a second behavioral treatment value based on the achieved flow bandwidth for the data flow within the network <u>and on the packet flow characteristics of the first group of one or more packets of the data flow;</u>

receiving a second group of one or more packets of said data flow from the network;

marking the second group of one or more packets of said data flow with said second behavioral treatment value, wherein the second behavioral treatment value directs devices within the network to treat the second group of one or more packets with a second quality of service treatment that is different than the first quality of service treatment; ~~and~~

transmitting the second group of one or more packets of said data flow in the network; and

repeating the preceding steps for successive groups of one or more packets of said data flow, wherein each of the successive groups is dynamically marked with a behavioral treatment value that is determined based at least in part on a successively determined achieved flow bandwidth for the data flow;

wherein the computer apparatus is any one of a bridge, a switch, and a router.

10. (Original) The computer apparatus as recited in Claim 9, wherein:

the step of marking a first group of one or more packets includes the step of storing a first differentiated services codepoint (DSCP) value in each header of the first group of one or more packets of a data flow;

the step of determining a second behavioral treatment value includes the step of determining a second DSCP value; and

the step of marking a second group of one or more packets includes the step of storing the second DSCP value in each header of the second group of one or more packets of a data flow.

11. (Currently Amended) The computer apparatus as recited in Claim 9, ~~further comprising instructions for performing the steps of~~ wherein:

~~determining packet flow characteristics of the first group of one or more packets of a data flow; and~~

determining the second behavioral treatment value is further based on the available bandwidth within the network ~~and the packet flow characteristics of the first group of one or more packets of a data flow~~.

12. (Original) The computer apparatus as recited in Claim 9, further comprising instructions for performing the steps of:

establishing a Quality of Service (QoS) policy for applying a per-hop-behavior treatment for forwarding packets within a flow in said network; and

generating the first behavioral treatment value based on the established QoS policy.

13. (Currently Amended) A network device configured for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, comprising:

means for receiving a first group of one or more packets of a data flow from the network;

means for marking the first group of one or more packets of said data flow with a first behavioral treatment value, wherein the first behavioral treatment value directs devices within the network to treat the first group of one or more packets with a first quality of service treatment;

means for transmitting the first group of one or more packets of said data flow in the network;

means for determining an achieved flow bandwidth for the data flow based on data traffic within the network;

means for determining packet flow characteristics of the first group of one or more packets of said data flow;

means for determining a second behavioral treatment value based on the achieved flow bandwidth for the data flow within the network and on the packet flow characteristics of the first group of one or more packets of the data flow;

means for receiving a second group of one or more packets of said data flow from the network;

means for marking the second group of one or more packets of said data flow with said second behavioral treatment value, wherein the second behavioral treatment value directs devices within the network to treat the second group of one or more packets with a second quality of service treatment that is different than the first quality of service treatment; ~~and~~

means for transmitting the second group of one or more packets of said data flow in the network; and

means for repeating the preceding steps for successive groups of one or more packets of said data flow, wherein each of the successive groups is dynamically marked with a behavioral treatment value that is determined based at least in part on a successively determined achieved flow bandwidth for the data flow;

wherein the network device is any one of a bridge, a switch, and a router.

14. (Currently Amended) A method for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, comprising the computer-implemented steps of:

causing one or more network devices to receive a first group of one or more packets of a data flow from the network;

causing the one or more network devices to mark the first group of one or more packets of said data flow with a first behavioral treatment value, wherein the first behavioral treatment value directs devices within the network to treat the first group of one or more packets with a first quality of service treatment;

causing the one or more network devices to transmit the first group of one or more packets of said data flow in the network;

determining an achieved flow bandwidth for the data flow based on data traffic within the network;

determining packet flow characteristics of the first group of one or more packets of said data flow;

determining a second behavioral treatment value based on the achieved flow bandwidth for the data flow within the network and on the packet flow characteristics of the first group of one or more packets of the data flow;

causing the one or more network devices to receive a second group of one or more packets of said data flow from the network;

causing the one or more network devices to mark the second group of one or more packets of said data flow with said second behavioral treatment value, wherein the second behavioral treatment value directs devices within the network to treat the second group of one or more packets with a second quality of service treatment that is different than the first quality of service treatment; ~~and~~

causing the one or more network devices to transmit the second group of one or more packets of said data flow in the network; and

causing the one or more network devices to repeat the preceding steps for successive groups of one or more packets of said data flow, wherein each of the successive groups is dynamically marked with a behavioral treatment value that is determined based at least in part on a successively determined achieved flow bandwidth for the data flow.

15. (Previously Presented) The method as in claim 1, wherein the first behavioral treatment is determined without regard to the achieved flow bandwidth.

16. (Previously Presented) The method as in claim 1, wherein the second behavioral treatment is a behavioral treatment that provides a lower level of service than other available choices of behavioral treatments; and
wherein the second behavioral treatment provides a high enough level of service to accommodate the achieved flow bandwidth.

17. (Previously Presented) The method as in claim 1, wherein the second behavioral treatment is a behavioral treatment that provides a minimum level of service that is a sufficient level of service to accommodate the achieved flow bandwidth.

18. (Previously Presented) The method as in claim 1, wherein the step of marking the first group is performed by at least communicating the first behavioral treatment to a differentiated services node located at a border of a differentiated services domain; and
wherein the step of marking the second group is performed by at least communicating the second behavioral treatment to the differentiated services node.

19. (Canceled)

20. (Canceled)

21. (Previously Presented) The method as in claim 1, wherein the step of determining the achieved flow bandwidth is performed by at least estimating the achieved flow bandwidth based on Management Information Base (MIB) variables.

22. (Previously Presented) The method as in claim 1, wherein the step of determining the achieved flow bandwidth is performed by at least checking a Transfer Control Protocol/ Internet Protocol (TCP/IP) window size and determining a value for the achieved flow bandwidth based on the TCP/IP window size.

23. (Previously Presented) The method as in claim 1, wherein the step of determining the achieved flow bandwidth is based on reception quality feedback from a Real-Time Transport Protocol (RTP) receiver.

24. (Currently Amended) A method for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, comprising the computer-implemented steps of:

receiving a first group of packets of a plurality of data flows ~~from~~ at a router in the network;

marking the first group of packets of said plurality of data flows with an initial set of behavioral treatment values, wherein the ~~first~~ initial set of behavioral treatment values direct devices within the network to treat the first group of packets with an initial set of quality of service treatments;

transmitting the first group of packets of said plurality of data flows in the network;

determining achieved flow bandwidths, wherein an achieved flow bandwidth is determined for each of the plurality of data flows based on data traffic within the network;

determining packet flow characteristics of the first group of packets of said plurality of data flows;

determining an updated set of behavioral treatment values based on the achieved flow bandwidths within the network and on the packet flow characteristics of the first group of packets;

receiving a second group of packets of said plurality of data flows ~~from~~ at the router in the network;

after the steps of marking the first group and determining the updated set of behavioral treatment values, marking the second group packets of said plurality of data flows with said updated set of behavioral treatment values, wherein the updated set of behavioral treatment values direct devices within the network to treat the second group of packets with an updated set of quality of service treatments that is different than the initial set of quality of service treatments; ~~and~~

transmitting the second group of packets of said plurality of data flows in the network; and

repeating the preceding steps for successive groups of packets of said plurality of data flows, wherein each of the successive groups is dynamically marked with a set of behavioral treatment values that is determined based at least in part on successively determined achieved flow bandwidths for said plurality of data flows.

25. (Currently Amended) A method for performing packet marking comprising the computer-implemented steps of:

defining an initial set of Quality of Service (QoS) values for coloring packets within a plurality of data flows, wherein each of the QoS values indicates an allocation of bandwidth;

coloring a first group of one or more packets of a given data flow selected from the plurality of data flows, without regard to an achieved flow bandwidth, by at least:

communicating the initial set of QoS values to each of one or more edge differentiated services domain nodes that are located at one or more edges of a differentiated services domain, and

the one or more edge differentiated services domain nodes using one or more of the initial set of QoS values to color the first group;

estimating traffic bandwidth within the network based on bandwidth information corresponding to a current traffic pattern of the network, wherein the traffic bandwidth estimated includes an achieved flow bandwidth for the given data flow;

determining packet flow characteristics of the first group of one or more packets of the given data flow;

determining an updated set of QoS values for coloring packets within the plurality of data flows, based on the traffic bandwidth estimated and on the packet flow characteristics of the first group of one or more packets,

wherein the updated set of QoS values provide lower levels of service than other available choices of QoS values, and

wherein the updated set of QoS values provide a high enough level of service to accommodate the traffic bandwidth estimated;

coloring a subsequent group of one or more packets of the given data flow with the one or more of updated set of QoS values by at least:

communicating the updated set of QoS values to each of one or more edge differentiated services domain nodes, and

the one or more edge differentiated services domain nodes using one or more of the updated set of QoS values to color the subsequent group; and

repeating the steps of estimating traffic bandwidth, determining packet flow characteristics, determining an updated set of QoS values, and coloring a subsequent group multiple times, therein tuning the network on an ongoing basis.

26. (Previously Presented) The method as in claim 24, wherein the initial set of QoS values is an initial set of Differentiated Services Codepoint (DSCP) values;

wherein the updated set of QoS values is an updated set of DSCP values;

wherein the step of estimating traffic bandwidth further comprises the steps of:

defining one or more QoS policies that specify target bandwidth values and a range of possible services for each the plurality of data flows, wherein a given target bandwidth value is specified for the given data flow, and wherein the given target bandwidth identifies a specific bandwidth that is desirous or required by the given data flow;

gathering information about the traffic bandwidth; and

determining the traffic bandwidth based on the information gathered.

27. (Previously Presented) The method of claim 1, wherein the data flow is associated with only one behavioral treatment at any given time.

28. (Previously Presented) The method of claim 24, wherein each data flow is associated with only one behavioral treatment at any given time.

29. (Previously Presented) The method of claim 1, wherein the achieved flow bandwidth is a percentage of the network bandwidth.

30. (Previously Presented) The method claim 29, wherein the second behavioral treatment results in the data flow having a different achieved flow bandwidth, which is a different percentage of the network bandwidth.

31. (Previously Presented) The method of claim 1, wherein the determining of the second behavioral treatment is in response to a determination of achieved flow bandwidth resulting form the determining of the achieved flow bandwidth.

32. (Previously Presented) The computer-readable medium as in claim 5, wherein the first behavioral treatment is determined without regard to the achieved flow bandwidth.

33. (Previously Presented) The computer-readable medium as in claim 5, wherein the second behavioral treatment is a behavioral treatment that provides a lower level of service than other available choices of behavioral treatments; and

wherein the second behavioral treatment provides a high enough level of service to accommodate the achieved flow bandwidth.

34. (Previously Presented) The computer-readable medium as in claim 5, wherein the second behavioral treatment is a behavioral treatment that provides a minimum level of service that is a sufficient level of service to accommodate the achieved flow bandwidth.

35. (Previously Presented) The computer-readable medium as in claim 5, wherein the step of marking the first group is performed by at least communicating the first behavioral treatment to a differentiated services node located at a border of a differentiated services domain; and
wherein the step of marking the second group is performed by at least communicating the second behavioral treatment to the differentiated services node.

36. (Canceled)

37. (Canceled)

38. (Previously Presented) The computer-readable medium as in claim 5, wherein the step of determining the achieved flow bandwidth is performed by at least estimating the achieved flow bandwidth based on Management Information Base (MIB) variables.

39. (Previously Presented) The computer-readable medium as in claim 5, wherein the step of determining the achieved flow bandwidth is performed by at least

checking a Transfer Control Protocol/ Internet Protocol (TCP/IP) window size and determining a value for the achieved flow bandwidth based on the TCP/IP window size.

40. (Previously Presented) The computer-readable medium as in claim 5, wherein the step of determining the achieved flow bandwidth is based on reception quality feedback from a Real-Time Transport Protocol (RTP) receiver.

41. (Currently Amended) A computer-readable medium carrying one or more sequences of instructions for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the ~~method~~ ~~comprising~~ steps of:

receiving a first group of packets of a plurality of data flows ~~from~~ at a router in the network;

marking the first group of packets of said plurality of data flows with an initial set of behavioral treatment values, wherein the ~~first~~ initial set of behavioral treatment values direct devices within the network to treat the first group of packets with an initial set of quality of service treatments;

transmitting the first group of packets of said plurality of data flows in the network;

determining achieved flow bandwidths, wherein an achieved flow bandwidth is determined for each of the plurality of data flows based on data traffic within the network;

determining packet flow characteristics of the first group of packets of said plurality of data flows;

determining an updated set of behavioral treatment values based on the achieved flow bandwidths within the network and on the packet flow characteristics of the first group of packets;

receiving a second group of packets of said plurality of data flows ~~from~~ at the router in the network;

after the steps of marking the first group and determining the updated set of behavioral treatment values, marking the second group packets of said plurality of data flows with said updated set of behavioral treatment values, wherein the updated set of behavioral treatment values direct devices within the network to treat the second group of packets with an updated set of quality of service treatments that is different than the initial set of quality of service treatments; ~~and~~

transmitting the second group of packets of said plurality of data flows in the network; and

repeating the preceding steps for successive groups of packets of said plurality of data flows, wherein each of the successive groups is dynamically marked with a set of behavioral treatment values that is determined based at least

in part on successively determined achieved flow bandwidths for said plurality of data flows.

42. (Currently Amended) A computer-readable medium carrying one or more sequences of instructions for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the ~~method~~ ~~comprising~~ steps of:

defining an initial set of Quality of Service (QoS) values for coloring packets within a plurality of data flows, wherein each of the QoS values indicates an allocation of bandwidth;

coloring a first group of one or more packets of a given data flow selected from the plurality of data flows, without regard to an achieved flow bandwidth, by at least:

communicating the initial set of QoS values to each of one or more edge differentiated services domain nodes that are located at one or more edges of a differentiated services domain, and

the one or more edge differentiated services domain nodes using one or more of the initial set of QoS values to color the first group;

estimating traffic bandwidth within the network based on bandwidth information corresponding to a current traffic pattern of the network, wherein the traffic bandwidth estimated includes an achieved flow bandwidth for the given data flow;

determining packet flow characteristics of the first group of one or more packets of the given data flow;

determining an updated set of QoS values for coloring packets within the plurality of data flows, based on the traffic bandwidth estimated and on the packet flow characteristics of the first group of one or more packets,

wherein the updated set of QoS values provide lower levels of service than other available choices of QoS values, and

wherein the updated set of QoS values provide a high enough level of service to accommodate the traffic bandwidth estimated;

coloring a subsequent group of one or more packets of the given data flow with the one or more of updated set of QoS values by at least:

communicating the updated set of QoS values to each of one or more edge differentiated services domain nodes, and

the one or more edge differentiated services domain nodes using one or more of the updated set of QoS values to color the subsequent group; and

repeating the steps of estimating traffic bandwidth, determining packet flow characteristics, determining an updated set of QoS values, and coloring a subsequent group multiple times, therein tuning the network on an ongoing basis.

43. (Previously Presented) The computer-readable medium as in claim 41, wherein the initial set of QoS values is an initial set of Differentiated Services Codepoint (DSCP) values;

wherein the updated set of QoS values is an updated set of DSCP values;

wherein the step of estimating traffic bandwidth further comprises the steps of:

defining one or more QoS policies that specify target bandwidth values and a range of possible services for each the plurality of data flows, wherein a given target bandwidth value is specified for the given data flow, and wherein the given target bandwidth identifies a specific bandwidth that is desirous or required by the given data flow;

gathering information about the traffic bandwidth; and

determining the traffic bandwidth based on the information gathered.

44. (Previously Presented) The computer-readable medium of claim 5, wherein the data flow is associated with only one behavioral treatment at any given time.

45. (Previously Presented) The computer readable medium of claim 41, wherein each data flow is associated with only one behavioral treatment at any given time.

46. (Previously Presented) The computer-readable medium of claim 5, wherein the achieved flow bandwidth is a percentage of the network bandwidth.

47. (Previously Presented) The computer-readable medium claim 46, wherein the second behavioral treatment results in the data flow having a different achieved flow bandwidth, which is a different percentage of the network bandwidth.

48. (Previously Presented) The computer-readable medium of claim 5, wherein the determining of the second behavioral treatment is in response to a determination

of achieved flow bandwidth resulting form the determining of the achieved flow bandwidth.

49. (Previously Presented) The computer apparatus as in claim 9, wherein the first behavioral treatment is determined without regard to the achieved flow bandwidth.

50. (Previously Presented) The computer apparatus as in claim 9, wherein the second behavioral treatment is a behavioral treatment that provides a lower level of service than other available choices of behavioral treatments; and
wherein the second behavioral treatment provides a high enough level of service to accommodate the achieved flow bandwidth.

51. (Previously Presented) The computer apparatus as in claim 9, wherein the second behavioral treatment is a behavioral treatment that provides a minimum level of service that is a sufficient level of service to accommodate the achieved flow bandwidth.

52. (Previously Presented) The computer apparatus as in claim 9, wherein the step of marking the first group is performed by at least communicating the first behavioral treatment to a differentiated services node located at a border of a differentiated services domain; and
wherein the step of marking the second group is performed by at least communicating the second behavioral treatment to the differentiated services node.

53. (Canceled)

54. (Canceled)

55. (Previously Presented) The computer apparatus as in claim 9, wherein the step of determining the achieved flow bandwidth is performed by at least estimating the achieved flow bandwidth based on Management Information Base (MIB) variables.

56. (Previously Presented) The computer apparatus as in claim 9, wherein the step of determining the achieved flow bandwidth is performed by at least checking a Transfer Control Protocol/ Internet Protocol (TCP/IP) window size and determining a value for the achieved flow bandwidth based on the TCP/IP window size.

57. (Previously Presented) The computer apparatus as in claim 9, wherein the step of determining the achieved flow bandwidth is based on reception quality feedback from a Real-Time Transport Protocol (RTP) receiver.

58. (Currently Amended) A computer apparatus comprising:
a processor; and
a memory coupled to the processor, the memory containing one or more sequences of instructions for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, wherein execution of the one or more sequences of

instructions by the processor causes the processor to perform the ~~method~~ ~~including at least~~ steps of:

receiving a first group of packets of a plurality of data flows from the network;

marking the first group of packets of said plurality of data flows with an initial set of behavioral treatment values, wherein the ~~first~~ initial set of behavioral treatment values direct devices within the network to treat the first group of packets with an initial set of quality of service treatments;

transmitting the first group of packets of said plurality of data flows in the network;

determining achieved flow bandwidths, wherein an achieved flow bandwidth is determined for each of the plurality of data flows based on data traffic within the network;

determining packet flow characteristics of the first group of packets of said plurality of data flows;

determining an updated set of behavioral treatment values based on the achieved flow bandwidths within the network and on the packet flow characteristics of the first group of packets;

receiving a second group of packets of said plurality of data flows from the network;

after the steps of marking the first group and determining the updated set of behavioral treatment values, marking the second group packets of said plurality of data flows with said updated set of behavioral treatment values, wherein the updated set of behavioral treatment values direct

devices within the network to treat the second group of packets with an updated set of quality of service treatments that is different than the initial set of quality of service treatments; ~~and~~

transmitting the second group of packets of said plurality of data flows in the network; and

repeating the preceding steps for successive groups of packets of said plurality of data flows, wherein each of the successive groups is dynamically marked with a set of behavioral treatment values that is determined based at least in part on successively determined achieved flow bandwidths for said plurality of data flows;

wherein the computer apparatus is any one of a bridge, a switch, and a router.

59. (Currently Amended) A computer apparatus comprising:

a processor; and

a memory coupled to the processor, the memory containing one or more sequences of instructions for marking one or more packets of data in a packet-switched network based on achieved flow bandwidth information within the network, wherein execution of the one or more sequences of instructions by the processor causes the processor to perform the ~~method including at least~~ steps of:

defining an initial set of Quality of Service (QoS) values for coloring packets within a plurality of data flows, wherein each of the QoS values indicates an allocation of bandwidth;

coloring a first group of one or more packets of a given data flow selected from the plurality of data flows, without regard to an achieved flow bandwidth, by at least:

communicating the initial set of QoS values to each of one or more edge differentiated services domain nodes that are located at one or more edges of a differentiated services domain, and

the one or more edge differentiated services domain nodes using one or more of the initial set of QoS values to color the first group;

estimating traffic bandwidth within the network based on bandwidth information corresponding to a current traffic pattern of the network, wherein the traffic bandwidth estimated includes an achieved flow bandwidth for the given data flow;

determining packet flow characteristics of the first group of one or more packets of the given data flow;

determining an updated set of QoS values for coloring packets within the plurality of data flows, based on the traffic bandwidth estimated and on the packet flow characteristics of the first group of one or more packets,

wherein the updated set of QoS values provide lower levels of service than other available choices of QoS values, and

wherein the updated set of QoS values provide a high enough level of service to accommodate the traffic bandwidth estimated;

coloring a subsequent group of one or more packets of the given data flow with the one or more of updated set of QoS values by at least:

communicating the updated set of QoS values to each of one or more edge differentiated services domain nodes, and

the one or more edge differentiated services domain nodes using one or more of the updated set of QoS values to color the subsequent group; and

repeating the steps of estimating traffic bandwidth, determining packet flow characteristics, determining an updated set of QoS values, and coloring a subsequent group multiple times, therein tuning the network on an ongoing basis;

wherein the computer apparatus is any one of a bridge, a switch, and a router.

60. (Previously Presented) The computer apparatus as in claim 58, wherein the initial set of QoS values is an initial set of Differentiated Services Codepoint (DSCP) values;

wherein the updated set of QoS values is an updated set of DSCP values;

wherein the step of estimating traffic bandwidth further comprises the steps of:

defining one or more QoS policies that specify target bandwidth values and a range of possible services for each the plurality of data flows, wherein a given target bandwidth value is specified for the given data flow, and wherein the given target bandwidth identifies a specific bandwidth that is desirous or required by the given data flow;

gathering information about the traffic bandwidth; and

determining the traffic bandwidth based on the information gathered.

61. (Previously Presented) The computer apparatus of claim 9, wherein the data flow is associated with only one behavioral treatment at any given time.

62. (Previously Presented) The computer apparatus of claim 58, wherein each data flow is associated with only one behavioral treatment at any given time.

63. (Previously Presented) The computer apparatus of claim 9, wherein the achieved flow bandwidth is a percentage of the network bandwidth.

64. (Previously Presented) The computer apparatus claim 63, wherein the second behavioral treatment results in the dataflow having a different achieved flow bandwidth, which is a different percentage of the network bandwidth.

65. (Previously Presented) The computer apparatus of claim 9, wherein the determining of the second behavioral treatment is in response to a determination of achieved flow bandwidth resulting form the determining of the achieved flow bandwidth.